

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: CONE ENGINEERING
CONTRACTORS, Inc., a California
Corporation,

C 05-2137 PJH

Debtor/Appellant.

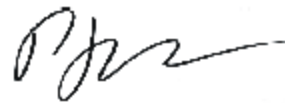
**ORDER RE: APPELLANT'S
NOTICE OF DISMISSAL**

This court's October 24, 2005 order required appellant to file its opening brief within ten days of that order. On November 7, 2005, appellant submitted a "notice of dismissal" of the appeal in lieu of an opening brief. However, Federal Rule of Bankruptcy Procedure 8001(a)(2) requires that after an appeal has been docketed, both parties to the appeal "sign and file with the clerk of the district court . . . an agreement that the appeal may be dismissed."

Accordingly, appellant is hereby ordered to file with this court **within seven days of this order** a joint stipulation to dismiss the appeal in compliance with FRBP 8001(a)(2).

IT IS SO ORDERED.

Dated: November 8, 2005



PHYLLIS J. HAMILTON
United States District Judge